

**1**

## DISMISSAL AND NOTICE OF RIGHTS

To: **Thomas Mertz**  
**9333 High Point Drive S.E.**  
**Byron Center, MI 49315**

From: **Detroit Field Office**  
**477 Michigan Avenue**  
**Room 865**  
**Detroit, MI 48226**

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**23A-2018-10125**

**Donald R. Lake,**  
**Investigator**

**(313) 226-4622**

### THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

### - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Michelle Eisele*  
**Michelle Eisele,**  
**District Director**

*9-12-18*

(Date Mailed)

Enclosures(s)

cc:

**BYRON CENTER PUBLIC SCHOOLS**  
**c/o Jeffery J. Butler, Esq.**  
**CLARK HILL PLC**  
**212 East Cesar E. Chavez Avenue**  
**Lansing, MI 48906**

*Received 9/18/18*  
*Mertz*

CHARGE OF DISCRIMINATION		COMPLAINT/CHARGE NUMBER
This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.		EEOC #
THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION		
NAME (Indicate Mr., Ms., Mrs.) Mr. Thomas Mertz		HOME TELEPHONE NO. (Include Area Code) (616) 971-3407
STREET ADDRESS, CITY, STATE AND ZIP CODE 9333 High Point Drive SE, Byron Center, MI 49315		
Named is the employer, labor organization, employment agency, apprenticeship committee, state or local government agency who discriminated against me.		
NAME Byron Center Public Schools	# EMPL/MEMBERS 100	TELEPHONE NO. (Include Area Code) (616) 878-6100
STREET ADDRESS, CITY, STATE AND ZIP CODE Administration, 8542 Byron Center Avenue SW, Byron Center MI 49315		
CAUSE OF DISCRIMINATION BASED ON Retaliation, Age		DATE OF MOST RECENT OR CONTINUING DISCRIMINATION May 3, 2017
I am 52 years old and I believe I was discharged on May 3, 2017, due to my age and in retaliation for engaging in a protected activity most recently on or around February 27, 2017.		
I began employment with the respondent in 1994, and last worked as a Special Education Teacher at Byron Center High School.		
<b>Discharge</b> <b>05/03/2017</b> <b>Age, Retaliation</b>		
On several occasions but most recently on or around February 27, 2017, I have complained to the respondent's representative that the disabled students were being subjected to a discriminatory treatment. On or around May 3, 2017, I was discharged by the respondent's representatives. Not only do I believe I was discharged in retaliation for making the internal discrimination complaints, I also believe my age was a factor, because I am aware that the respondent's representatives hired a younger less qualified individual to replace me.		
This complaint is based on the following law: Age Discrimination in Employment Act		
<div>MARY A. CHAPMAN NOTARY PUBLIC, STATE OF MI COUNTY OF KENT MY COMMISSION EXPIRES Nov 9, 2022 ACTING IN COUNTY OF <u>Kent</u></div>		
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.		NOTARY (When necessary to meet State and Local Requirements) <u>Mary A. Chapman</u> SUBSCRIBED AND SWORN BEFORE ME THIS DATE (Day, month and year) <u>27th, February 2018</u>
I declare under penalty of perjury that the foregoing is true and correct.		
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number, and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		
Date <u>2/27/18</u>	Signature of Charging Party / Claimant <u>Thomas Mertz</u>	Commissioned in <u>Kent</u> County Acting in <u>Kent</u> County Commission expires <u>11/09/2022</u>